

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 21, 2000
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Land, Nakanishi, Pennino and Mann (Mayor)

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Community Development Director Bartlam, Finance Director McAthie, City Attorney Hays and Interim City Clerk Taylor

2. INVOCATION

The invocation was given by Pastor Bill Crabtree, Emanuel Lutheran Church

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Mann introduced Ashley Krueger of the Greater Lodi Area Youth Commission, who presented the June Teen of the Month award to Jillian Person, a student at Lodi High School.
- b) Molly Jones, representing the Lodi City Swim Club presented Mayor Mann with a check for \$5,000 as payment toward the Swim Club's City loan for renovation of the Tokay High pool, leaving a balance of \$4,000 from an original \$24,000 loan.
- c) Mr. Antonio Pizano, Executive Director of the San Joaquin Housing Authority, presented the Housing Authority's 1999 Annual Report and a brief overview of the Authority's current and future activities and programs. Mr. Pizano thanked Council Member Land for his participation in the Housing Authority as the representative for the Lodi community.
- d) Mayor Mann announced that there has been much discussion lately regarding education reimbursement, and that it appears there are no specific benefits documented for Council except salary and PERS retirement. As a result, he and his wife believe that although there has been no request for him to do so, it is in the interest of the City that the City be reimbursed. Mayor Mann presented Interim City Clerk Taylor with a letter of explanation and a check for \$5,003.62, and requested that Council designate that this money be used to help build the Veterans Monument. Further, Mayor Mann requested an item be placed on the next agenda for discussion of Council benefits in the hope that Council will approve a policy to guide this and future Councils in authorized benefits.

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Hitchcock second, approved the following items hereinafter set forth **(except those otherwise noted)**:

- a) Claims were approved in the amount of \$4,178,159.65.
- b) The minutes of June 6, 2000 (Special Meeting), June 6, 2000 (Special Meeting) and June 7, 2000 (Regular Meeting) were approved as written.
- c) Adopted Resolution No. 2000-97 authorizing the City Manager to execute all necessary agreements to implement the Lower Sacramento Road Widening Project, and further, approved plans and specifications and authorized advertisement for bids for the project.

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- d) Approved specifications for the Asphalt Material for Fiscal Year 2000/2001 project, and authorized advertisement for bids.
- e) Adopted Resolution No. 2000-98 accepting the development improvements included in the improvement agreement for Bridgetowne, Unit 2, Tract No. 2863, and thereby accepting portions of Brighton Way and Cumbria Way totaling .19 new miles of City streets.
- f) Adopted Resolution No. 2000-99 awarding the contract to provide Security Services at the Lodi Station and Lodi Station Parking Structure to Windwalker Security Patrol in the amount of \$123,150 for a three-year contract.
- g) Adopted Resolution No. 2000-100 awarding the contract to Furnish and Install Washbay System from Sherman Supersonic Industries Corp. in the amount of \$122,060, and further authorized the City Manager to execute a design contract to construct the washbay in an amount not to exceed \$30,000.
- h) Adopted Resolution No. 2000-101 awarding the contract to provide Instrumentation maintenance Services for White Slough Water Pollution Control Facility to Alpine Controls, Inc. in the amount of \$7,280.
- i) Adopted Resolution No. 2000-102 authorizing the City Manager to execute the agreement for San Joaquin County to provide Data Processing Services to the Lodi Police Department for fiscal year 2000-01 in an amount not to exceed \$12,679.96.
- j) Agenda Item #10 entitled, "Purchase of Vehicle Exhaust Extraction Systems for Fire Stations 2 and 3" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- k) Agenda Item #11 entitled, "Authorize negotiations with San Joaquin County for Water main Extension to Provide Domestic Water Service to Micke Grove Park" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- l) Agenda Item #12 entitled, "Grape Bowl Restroom Improvement Project" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- m) Adopted Resolution No. 2000-104 approving the waiver and transfer of Juvenile Accountability Incentive Block Grant Funding, and further appropriate \$1,495 from the City's State Citizens Option for Public Safety grant as the 10% match for this grant.
- n) Agenda Item #14 entitled, "Purchase of Wood Utility Poles" was removed from the Consent Calendar pursuant to staff request.
- o) Adopted Resolution No. 2000-106 approving a Public Benefits Program Grant in the amount of \$39,224.55 for a demand-side management project at the Temple Baptist Church located at 801 S. Lower Sacramento Road, by the following vote:

Ayes: Council Members – Hitchcock, Land and Nakanishi

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – Pennino and Mann (Mayor)

(Following approval of the Consent Calendar, Mayor Mann requested that this item be reintroduced for discussion and appropriate action. The Council on motion of Mayor Mann, Nakanishi second, unanimously voted to reconsider this item, as Mayor Mann wished to abstain. Council Member Pennino also stated his desire to abstain. The Council, on motion of Council Member Land, Hitchcock second, adopted Resolution No. 2000-106 as indicated above.)

- p) Agenda Item #16 entitled, "Power Supply Contract between the City of Lodi and Fairmont Signs Company, Inc." was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- q) Agenda Item 17 entitled, "Letter of Agreement for Services between the City of Lodi and the Northern California Power Agency" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- r) Agenda Item #18 entitled, "Approve San Joaquin Council of Government's Annual Financial Plan for Fiscal Year 2000-2001" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- s) Adopted Resolution 2000-110 authorizing the Mayor to execute an Employment Services Agreement with Susan J. Blackston for the position of Lodi City Clerk.

Mayor Mann introduced Susan Blackston as the new City Clerk, effective July 10, 2000, and provided a brief summary of the recruitment process leading up to her appointment. Mrs. Blackston thanked the City Council for their appointment, stated she very excited to have the opportunity to work in the community. Mrs. Blackston reminded the public that October 9, 2000 is the last day to register to vote in the November election.
- t) Authorized the City Treasurer and Deputy City Treasurer to enter into an agreement with Farmers and Merchants Bank of Central California for the issuance of a City credit card for Susan J. Blackston, City Clerk, with a limit of \$15,000.
- u) Adopted Resolution No. 2000-111 authorizing the City to sponsor Lodi unified School District (LUSD) Congestion Mitigation and Air Quality (CMAQ) Grant application to San Joaquin County of Governments (SJCOG), and further authorizing the City Manager to submit Public Works Department's CMAQ grant applications to SJCOG.
- v) Agenda Item #22 entitled, "Downtown Parking Issues – Amend Traffic Resolution to Adopt Angle Parking at Various Locations and Modify Permit Fee" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- w) Adopted Resolution No. 2000-113 extending the contract for Radio Maintenance Service and Repair for Police, Fire, Public Works, Electric Utility and Parks & Recreation for one additional year of service in the amount of \$16,310.
- x) Authorized the City to join in the Amicus Brief in the case of County of Sonoma, et al. v. California Department of Finance, et al.

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Item #10 entitled, "Purchase of Vehicle Exhaust Extraction Systems for Fire Stations 2 and 3".

Addressing Council Member Hitchcock, concern regarding waiving of the formal bid process, Fire Chief Kenley explained that quite a lengthy process was following in reviewing 3 options for solving the problem at Stations 2 and 3, beginning with a survey of all fire departments in the state who use one or more of the three available systems. Responses included a 14-member group that evaluated all 3 systems, and identified two companies who offer this service. Chief Kenley invited both companies to provide a presentation before Lodi's Apparatus and Safety Committee and to tour the facilities in question. The systems quoted by the two companies were not similar, the difference in bids was approximately \$3,000, and the Committee and Fire Department as a whole concluded their findings and recommended the bid be awarded to Neu-Tech.

Public Works Director Prima added that, while this was not a formal bid process, a bid process was conducted, and if a formal bid process were done at this point, the bid would

probably have resulted in a higher bid. City Attorney Hays commented that it was not that this item wasn't scrutinized and put through the paces, it is simply that a formal bidding process was not utilized due to the size of the equipment and limited available bidders.

Following discussion, the Council, on motion of Council Member Land, Nakanishi second, unanimously adopted Resolution No. 2000-103 waiving the formal bidding process and authorizing the purchase and installation of vehicle exhaust extraction systems, one each for Fire Stations 2 and 3, from Neu-Tech in the amount of \$63,020.78.

- b) Item #11 entitled, "Authorize negotiations with San Joaquin County for Water Main Extension to Provide Domestic Water Service to Micke Grove Park".

Council Member Pennino stated he would like to see the City negotiate with the County that the County be responsible for maintenance of the line following installation, as the City already has too much infrastructure which needs repair.

Mr. Prima stated that staff believes the actual maintenance is relatively small with occasional flushing and marking for excavation, and that the issue of ownership will be very important some time in the future when the City desires to access the pipe for City use. Mr. Prima stated he would negotiate for the County to accept temporary maintenance of the equipment.

Following discussion, Council, on motion of Council Member Pennino, Nakanishi second, unanimously authorized City staff to negotiate with San Joaquin County for Water Main Extension to provide domestic water service to Micke Grove Park, and to draft an agreement to be brought back to City Council for final approval.

- 1) Speaking on the matter was Bob Johnson, 1311 Midvale Road, who supports the project in the spirit of cooperation. However Mr. Johnson expressed concern that while San Joaquin County previously provided an annual subsidy to cover approximately 30% of our youth sports participants who live in the County; those funds dried up years ago. Mr. Johnson asked if perhaps it is time that we negotiate with the County for funds to again flow in support of Lodi Parks and Recreation activities.

Deputy City Manager Keeter stated she would address Mr. Johnson's concerns in a letter from the City to the County Board of Supervisors to request open discussion.

- c) Item #12 entitled, "Grape Bowl Restroom Improvement Project".

Council Member Pennino requested that Council consider modifying the specifications from stainless steel to cheaper, more comfortable china toilets. Parks & Recreation Director Williamson stated the rationale for the staff's recommendation is the durability of sinks and fixtures of stainless steel, which greatly deters vandalism. Replacement of china toilets is 1 to 3 per year due to vandalism, and staff believes the stainless steel, while more expensive, is a better value in the long run, and the steel toilets may be transferable to the new facility.

Council Member Pennino motioned, Nakanishi seconded to approved specifications for the Grape Bowl Restroom Improvement Project with the modification of language to reflect china toilets instead of stainless steel, authorized advertising for bids, and appropriated the funds for the project, which **failed** by the following vote:

Note: Prior to the Mayor's call for the vote, Council Member Hitchcock requested Pennino revise his motion to allow stainless steel toilets. Council Member Pennino declined.

Ayes: Council Members – Nakanishi and Pennino
Noes: Council Members – Hitchcock, Land and Mann (Mayor)
Absent: Council Members – None
Abstain: Council Members – None

Following discussion, the Council, on motion of Council Member Hitchcock, Land second, approved as written the specifications for the Grape Bowl Restroom Improvement Project, authorized advertising for bids, and appropriated the funds for the project, by the following vote:

Ayes: Council Members – Hitchcock, Land, Nakanishi and Mann (Mayor)
Noes: Council Members – Pennino
Absent: Council Members – None
Abstain: Council Members – None

- d) Item #16 entitled, "Power Supply Contract between the City of Lodi and Fairmont Signs Company, Inc."

Council Member Hitchcock stated she had no concern with this particular contract, but asked that staff briefly report on the process of the overall program.

Economic Development Director Goehring stated this is part of our incentive program to recruit and attract industry and support local industry expansion, as we participate in a very sophisticated industrial market and must be prepared to offer incentives within our community. Mr. Goehring reported that other cities are offering land buydowns, fee waivers and deferrals to entice businesses.

Electric Utility Director Vallow stated the program has been a net win for the City, adding that if incentives are not offered, we attract and retain no business, and therefore receive no revenue.

Following discussion, the City Council, on motion of Council Member Hitchcock, Nakanishi second, unanimously adopted Resolution No. 2000-107 authorizing the City Manager to execute a Power Supply Contract with Fairmont Signs Company, Inc.

7. RECESS

Mayor Mann called for a ten-minute recess and the City Council meeting reconvened at approximately 8:40 p.m.

8. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR (Continued)

- a) Item #17 entitled, "Letter of Agreement for Services between the City of Lodi and the Northern California Power Agency".

Council Member Hitchcock stated that the Letter of Agreement was not received in time for Council review, and asked for a brief staff presentation regarding the agreement.

Electric Utility Director Vallow stated the agreement is before Council because the Northern California Power Agency's Joint Powers Agreement regarding distribution of electric service, specifically the Public Benefits Program, requires that Lodi's program be reviewed for conformance with the Legislative provisions of AB1890.

Following discussion, the Council, on motion of Council Member Hitchcock, Nakanishi second, unanimously adopted Resolution No. 2000-108 authorizing the City Manager to execute a Letter of Agreement with the Northern California Power Agency in an amount not to exceed \$10,500 to provide the City with a review of its Public Benefits efforts through Pacific Energy Associates, Inc.

- b) Item #18 entitled, "Approve San Joaquin Council of Government's (COG) Annual Financial Plan for Fiscal Year 2000-2001".

Council Member Hitchcock requested that staff provide a short presentation regarding this item for the benefit of public information.

Deputy City Manager Keeter noted that Steve Dial, Chief Financial Officer of COG, is available in the audience should Council have specific questions. Mrs. Keeter stated that COG has recently adopted their budget. At this time, Council is asked to ratify the budget for regional transportation services as outlined in COG's PowerPoint presentation which was presented to Council on its regular meeting of May 17, 2000. Mr. Pennino concurred with Mrs. Keeter's comments, stating that COG is asking for ratification of their budget.

Following discussion, the Council, on motion of Council Member Pennino, Land second, unanimously adopted Resolution No. 2000-109 ratifying the San Joaquin County Council of Governments (COG) Annual Financial Plan for Fiscal Year 2000-2001.

- c) Item #22 entitled, "Downtown Parking Issues - Amend Traffic Resolution to Adopt Angle Parking at Various Locations and Modify Permit Fee".

Council Member Hitchcock removed this item for further discussion of final modifications to the proposal due to its great effect on the downtown business area and the citizens.

City Manager Flynn noted that this item has been discussed at several meetings, the last of which resulted in Council direction that staff work directly with the Downtown Lodi Business Partnership (DLBP) for their input and direction. Based upon that meeting's direction, the recommendation of staff in conjunction with the DLBP is before Council this evening for action.

Deputy City Manager Keeter summarized the proposal as follows: amend the bail schedule to increase tickets for persons exceeding the limitation on parking; assign permits to specific zones in the downtown area and reduce costs; install angle parking on sections of School, Sacramento and Locust Streets; the City will, at DLBP's request, increase enforcement activities in the downtown core and look at the East lot of Civic Center to determine if spaces are needed for Jurors; and finally, DLBP recommended use of the City parking lot East of City Hall which staff is recommending for after hours parking and on weekends. No significant cost except \$8,000 signage and striping, but there will be a reduction in revenue due to reduction in permit revenues.

Speaking on the matter were the following persons:

1. Lew VanBuskirk, Executive Director of DLBP, who assured Council Member Hitchcock that more than 10 meetings in the last two months focused on finding the right solution for the entire community, our customers, our employees and the overall needs of the business organizations themselves. Further, Mr. VanBuskirk thanked Public Works Director Prima and Economic Development Director Goehring for their assistance, and extended special thanks to Paula Fernandez for working so closely and patiently with DLBP during the process.
2. Paul Easley, 218 North School Street, spoke in opposition to the angle parking in the downtown area, specifically in front of his residence, and asked Council to consider another option since parking lots are sitting empty all over the downtown area. Further, Mr. Easley asked that the City do something about the sidewalk repairs needed in front of his residence. Mayor Mann asked that Mr. Flynn have staff look into the sidewalk problem at 218 North School Street.
3. James Charlesworth, European Auto, 201 N. Sacramento Street, requested that Council amend the proposal to remove the two-hour parking restriction to open parking on Sacramento Street between Locust and Lockeford Streets. Currently only eight spaces exist, and fines would cause a hardship for his business, which has very limited parking.

Following discussion, the Council, on motion of Council Member Land, Hitchcock second, unanimously adopted Resolution No. 2000-112 approving angle parking at various locations, approving reduction in Zone B permit fee, thereby amending Traffic Resolution No. 97-148, and further approved concurrence with modifying permit and time restriction areas.

9. PUBLIC HEARINGS

- a) Prior to this item's introduction, City Manager Flynn informed Council that he had received a letter from Fred Baker requesting that the Public Hearing entitled, "Public Hearing to consider an appeal of the Planning Commission's decision on Century Meadows 4, Delmar Batch, Appellant" be postponed for discussion at the next regular Council meeting. Council concurred with Mr. Baker's request and continued the public hearing for discussion at the Council meeting to be held on July 5, 2000.

10. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Pennino, Land second, unanimously rejected the following claim:

- 1. Dennis Deutscher, date of loss 4/15/00

- b) The following report was presented to the City Council:

- 1. Planning Commission report of May 31, 2000, including an International House of Pancakes addition to the community at the location of the old Cask and Cleaver Restaurant at 1230 West Kettleman Lane.

- c) The City Council, on motion of Council Member Pennino, Land second, unanimously directed the City Clerk to post for the following vacancy:

Lodi Arts Commission

Sidney Fosen Term to expire July 1, 2001

- d) The City Council, on motion of Council Member Hitchcock, Nakanishi second, unanimously concurred with the Mayor's recommendation to make the following appointments/reappointments to various Boards and Commissions:

Emergency Food and Shelter Program

Carol Fraser Unspecified Term

Greater Lodi Area Youth Commission

Adult Advisors

David Wright	Term to expire August 30, 2003
Samir Berbawy	Term to expire August 30, 2003
Linda Elson	Term to expire August 30, 2003

Library Board

Marjorie Paulsen	Term to expire June 30, 2003
Christine Lavond	Term to expire June 30, 2003

Lodi Arts Commission

William Crabtree	Term to expire July 1, 2003
Sherri Smith	Term to expire July 1, 2003
Patrick Stockar	Term to expire July 1, 2003
Tony Segale	Term to expire July 1, 2003
James Harvey	Term to expire July 1, 2002

Planning Commission

John Borelli	Term to expire June 30, 2003
John Beckman	Term to expire June 30, 2003

Senior Citizens Commission

Shannon Bettencourt	Term to expire December 31, 2001
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11. RECESS

Mayor Mann called for a ten-minute recess and the City Council meeting reconvened at approximately 9:35 p.m.

12. REGULAR CALENDAR

- a) City Manager Flynn reported that this budget includes no additional taxes or increase in service fees for the citizens, and stated that the budget is fully funded and balanced with the General Fund reserve at 15% plus. Mr. Flynn listed several of the accomplishments completed during the past budget year, including completion of the Lodi Station, conversion of City buses to CNG, the Lodi Lake Wading Pool Project, implementation of Automated Records Management (Fortis) and Lodi Municipal Code availability on the website, an Employee Recognition Program, and After School Programs at Lawrence and Heritage Schools. Mr. Flynn stated that the budget before Council for approval is responsible and well thought out, and has the healthiest fund balance since 1991. Mr. Flynn extended his sincere thanks to Finance Director McAthie, Ruby Paiste, Maxine Cadwallader, the Finance Department staff, and the Management Team for a job well done. Every account we have is fully funded; it's a great budget, and we're in good shape.

Deputy City Manager Keeter reported that the Financial Plan and Budget before the Council is the second year of a two-year document. Mrs. Keeter noted that City staff has followed Council policy in focusing on minor adjustments that change the projections outlined in the two-year budget adopted by Council in June 16, 1999. A presentation of the budget calendar introduced the process at the January 11, 2000 Shirtsleeve Session, with twelve additional public meetings being held for discussion and presentation of the budget over the past few months. Mrs. Keeter summarized that key components reviewed during the public meetings included the status of major City projects, discussion on the General Fund long-term financial plan, the review of goals, objectives and departmental accomplishments and efficiencies, and presentation of the City Manager's recommended adjustments to the Operating and Capital Improvement Budget.

Speaking on the matter were the following:

1. Phillip Jolly, 168 Hemlock Drive, spoke in support of the All Military Veterans Monument, and reminded Council that the dollars invested in this monument are a follow-up to the benefits you have been receiving for years as a direct result of the service of this country's veterans. Further, Mr. Jolly stated that today in our society, if an accusation is brought against someone, he is almost guilty before things get to trial – such has been the case for Mayor Mann. Mr. Jolly stated what happened to him was wrong, but that he appreciates and supports the Mayor's request that the tuition reimbursement returned be set aside for the Monument.
2. Timothy Fowler, P.O. Box 195, Lockeford, joined the Veterans Monument committee to give something back to those who have given us freedom and protection. Mr. Fowler stated the preliminary costs are estimated at \$450,000, and trade companies and businesses have already stepped up to offer donations toward the completion of this project. Mr. Fowler thanked Mayor Mann for his request that tuition reimbursement be designated toward the Monument.
3. Tony Duran, County Veterans Service Officer, 102 S. San Joaquin Street, Stockton, spoke in support of the Monument, which will be the pride of Lodi and surrounding communities in honor of those who served our country.
4. Phil Felde, 89 River Meadows Drive, Woodbridge, spoke in support of the Monument, stating he is proud to be a member of such a committed and enthusiastic committee, and asked Council for their consideration of this budget request, and the request of Mayor Mann regarding his tuition reimbursement.
5. Mary Galvan, 1605 Edgewood Drive, stated that upon arriving home for her service as an Army Nurse in World War II, she was never recognized for her service or welcomed home. Mrs. Galvan spoke in support of this long-overdue

project, and asked the City to fund in advance the Monument with the Committee repaying the City as funds were collected.

6. Tony Galvan, 1605 Edgewood Drive, spoke in support of the City Council moving forward with the Veteran's Monument, which would be a magnificent gesture.

Council Members comments are as follows:

1. Council Member Pennino commended Ruby Paiste for her assistance and diligence in helping him to understand the budget.

Mr. Pennino stated that it seems like someone got the message that Council won't approve the Monument, and that he believes that community donations allow people to feel a part of this project through giving, and that is important. Mr. Pennino encouraged the Committee to move forward in establishing a foundation.

Also, Mr. Pennino noted the City needs to get busy with Water infrastructure improvements and repairs on the East Side.

2. Council Member Hitchcock stated she was concerned that the City advance the dollars for completion of the Monument, and was glad to hear the comments by the public. She stated she concurs with Mr. Pennino's comments that the public needs to be a part of the project through donations rather than the City paying for it outright, and suggested the City match contributions dollar for dollar.

Ms. Hitchcock stated she does not support the spending and buying practices of the City which appears to be behaving like this good economy will last forever, and further stated she could not support that practice, nor this budget. She stated she would prefer to apply the extra revenue into the following areas which have been depleted or are in need: fund balances, the Water Utility Fund, the Parks and Recreation fund, the paying of legal fees due to groundwater contamination, building up our self-insurance program, money applied toward the Greenbelt, additional funding for police and fire.

Further, Ms. Hitchcock stated there is a need for additional staffing which we're not hearing because the departments are being told that money is going for the new public safety building, plus \$37,000 for a customer service training program for employees to handle difficult people and to learn manners, which may be the result of a lack of staff. She asked Vicky to comment on the budget.

Finance Director McAthie responded that the actuarial states we should put \$1,400,000 for self-insurance. While approximately \$669,000 of that amount is from the general fund, funds are also transferred from water, sewer and electrical to meet the \$1.4M actuarial recommendation for self-insurance.

Council Member Hitchcock stated her surprise in hearing the epiphany of staff to say we're funding the self-insured program, when auditors in the past two years stated we are under-funded, and further stated that is wonderful, if it's correct. Ms. Hitchcock asked if any funds have been removed which have not been reimbursed.

Mr. Flynn reported that \$1 million was taken for the design phase of the public safety building, and although those dollars are not required to be replaced, they will in fact be paid back in the next 60-90 days.

3. Council Member Land stated he was not surprised that Ms. Hitchcock won't vote for this budget since she didn't vote to approve the two-year budget in June 1999. Mr. Land then provided the following responses to Ms. Hitchcock's comments:
 - Ms. Hitchcock talks about the need for additional staffing, but this budget includes 11 new positions, and over the past 5 years the City has added 58 new positions
 - Ms. Hitchcock talked about general funds to fund wastewater and water, and while we do have concerns regarding these matters, they are a complete and separate issue that will never come from the general fund.

- Ms. Hitchcock suggested adding funding to police and fire. We are meeting the needs of the police and fire agencies through the building of a new public safety facility and a 4th fire station, plus the addition of one firefighter.
 - Ms. Hitchcock suggested adding funding to parks and recreation programs. In the past 10 years we have renovated all 26 parks in Lodi, and the City has participated in several projects and programs.
4. Mayor Mann concurred with much of what was said, and stated a dollar for dollar match for the Veteran Monument would be a good idea. He stated he was proud of the fact that the City is in great financial shape, and that staff should be recognized for the full team effort it takes to implement the budget Council approves, giving staff the tools and money to get the job done. He further commended the Management Team and City employees, stated he is thankful for a robust economy which brings reserve balances up to where they should be according to policy.

Following discussion, Council Member Pennino, Land second, adopted Resolution No. 2000-115 adopting the 2000-01 Operating and Capital Improvement Budgets for the fiscal year beginning July 1, 2000 and ending June 30, 2001, and further approving the 2000-01 Appropriation Spending Limit, by the following vote:

Ayes: Council Members – Land, Nakanishi, Pennino and Mann (Mayor)
Noes: Council Members – Hitchcock
Absent: Council Members – None
Abstain: Council Members – None

13. ORDINANCES

None.

14. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

15. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Hitchcock stated she recently attended a merit award ceremony for Matt Hazen, Eagle Scout, and was impressed with the awards and presentations he received, asking if the City of Lodi provided any recognition. Mayor Mann assured her that when we were notified of such an achievement, we send a letter of congratulations/commendation from the Mayor of Lodi, and that when invited by the parents to the ceremony, the Mayor always strives to attend.

Ms. Hitchcock stated she attended the recent APPA conference which emphasized marketing strategies and the upcoming deregulation. She stated it was very impressive during presentations to note that the City of Lodi has already implemented most of the recommended actions covered during the conference.

Ms. Hitchcock asked Council for feedback regarding her concern that Council is going in a bad direction regarding public comment and open discussion in placing so many items on Consent Calendar when they require more discussion and should be on Regular Calendar.

Mayor Mann stated that the Consent Calendar contains items which may be mundane or routine, or items which have been covered previously at regular meetings or informational meetings and received Council concurrence to move forward. Mr. Mann stated that if Council wants an extensive report, you can request that an item be moved to regular calendar for discussion, in which case it will fall at the end of the regular calendar. Should Council wish to revise the current agenda process, we need only revise the ordinance.

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- b) Council Member Nakanishi stated he is upset about going over and over things taking too much time for all of the items to be covered, and suggested that maybe major items should be discussed first and then Council go over all the items on the consent calendar.
- c) Council Member Pennino stated some of the stuff is mundane, but he served during a period when almost every consent calendar was pulled, and that was not fun. He stated that this evening there were 23 items, 7 of which were pulled, when the purpose of the consent calendar is to provide for quick action so Council can move on. While the downtown parking issue should probably have been on the Regular Calendar since it took an hour, several of the items pulled this evening should have remained on the Consent Calendar and been approved, as they had already been discussed at previous meetings or shirtsleeve sessions.

Further, Mr. Pennino suggested that the City of Lodi has a unique opportunity to consolidate in making things more efficient – since Mr. Williamson is retiring soon, and the City is still in the initial stages of the recruitment process. He suggested the City Manager evaluate the possibility of splitting the Parks and Recreation Department, combining the Recreation Division with Hutchins Street Square for Recreation and Leisure activities, and moving the Parks Division under the Public Works umbrella.

- d) Council Member Land announced that on July 4th at Lodi Lake the Kiwanis Club will hold its 31st Annual Pancake Breakfast, with the Lodi Tokay Rotary Club sponsoring the Oooh Ahhh Festival at Lodi Lake that day to include the evening's fireworks presentation.

Also, Mr. Land suggested the Electric Utility Department mow down the deregulation competition by considering a gas lawn mower trade-in program to promote clean air and noise reduction for those citizens willing to purchase electric mowers.

- e) Mayor Mann asked that staff bring to Council a report on the number of multiple family dwelling allocation units that we have in inventory for discussion at a future meeting.

Staff was asked to look into some kind of entry fee reduction or waiver regarding seniors wishing to drive into Lodi Lake. Parks and Recreation Director Williamson stated a \$25 year-round pass was available for purchase, and that he would evaluate this situation.

- f) City Manager Flynn stated that this was Joanna Corman's final meeting as a representative of the Lodi News Sentinel, as she is relocating to a new employment opportunity in Southern California.

16. VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

Pursuant to the Lodi Municipal Code, the City Council, on motion of Council Member Land, Mann second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

17. CLOSED SESSION

Mayor Mann adjourned the City Council meeting at approximately 11:05 p.m. to a Closed Session to discuss the following matters:

- a) Threatened Litigation: Government Code §54956.9(b). One case. Potential suit by Christopher Harr against City of Lodi based on personal injury accident.
- b) Prospective lease of City Property (40± acres adjacent to White Slough Water Pollution Control Facility, located at 12751 N. Thornton Road, Lodi, CA); the negotiating parties are the Calpine Corporation and the City of Lodi. Price and terms of the lease are under negotiation. Government Code §54956.8.
- c) Actual Litigation: Government Code §54956.9(a). One case. American Stores Properties, Inc., and Lucky Stores, Inc. v. City of Lodi, et al., United States District Court, Eastern District, Case No. S-97-1853 WBS JFM

Continued June 21, 2000

- d) Pursuant to Government Code §54956.9(b). Conference with legal counsel. Potential litigation by California Regional Water Quality Control Board regarding White Slough Water Pollution Control Plant Administrative Civil Liability Complaint No. 5-00-515. One potential case.
- f) Prospective acquisition of real property located at 2360 West Century Boulevard, Lodi, CA, for the G-Basin DeBenedetti Park expansion, APN #058-230-02; the negotiating parties are the City of Lodi and Delmar Batch. Government Code §54956.8.
(This item was carried over from the adjourned Shirtsleeve Session of June 20, 2000 for continued discussion on this agenda.)

18. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 12:40 a.m. on Thursday, June 22, 2000, and the following actions were disclosed:

- a) Threatened Litigation: Government Code §54956.9(b). One case. Potential suit by Christopher Harr against City of Lodi based on personal injury accident.
Council gave staff direction to proceed with a settlement.
- b) Prospective lease of City Property (40+ acres adjacent to White Slough Water Pollution Control Facility, located at 12751 N. Thornton Road, Lodi, CA); the negotiating parties are the Calpine Corporation and the City of Lodi. Price and terms of the lease are under negotiation. Government Code §54956.8. **(Council Member Pennino abstained from discussion and action regarding this item.)**
Council gave staff direction to draft an exclusive right to negotiate with Calpine.
- c) Actual Litigation: Government Code §54956.9(a). One case. American Stores Properties, Inc., and Lucky Stores, Inc. v. City of Lodi, et al., United States District Court, Eastern District, Case No. S-97-1853 WBS JFM
Council took no final action on this item.
- d) Pursuant to Government Code §54956.9(b). Conference with legal counsel. Potential litigation by California Regional Water Quality Control Board regarding White Slough Water Pollution Control Plant Administrative Civil Liability Complaint No. 5-00-515. One potential case.
Council gave staff direction to negotiate with the California Regional Water Quality Control Board.
- e) Prospective acquisition of real property located at 2360 West Century Boulevard, Lodi, CA, for the G-Basin DeBenedetti Park expansion, APN #058-230-02; the negotiating parties are the City of Lodi and Delmar Batch. Government Code §54956.8.
Council gave staff direction to continue with negotiations.

19. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at approximately 12:45 a.m. on June 22, 2000.

ATTEST:

Jacqueline L. Taylor
Interim City Clerk